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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) and Romani Union, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 February 1991]

CURRENT SITUATION OF THE ROMA THROUGHOUT THE WORLD

Situation of the Roma people with respect to the United Nations debates on human rights

1. The Romani International Union is an NGO representing the interests of the 10 to 12 million Roma living in almost all the countries of Europe and the Americas, where they are known under names such as gypsies, gitanes, tsiganes, etc. In their own, Sanskrit-based language, they identify themselves as Roma, Sinti or Manush. About one third of the total number of Roma and Sinti are living in the countries of Eastern Europe, where they form large minorities.

2. Contrary to the popular image of "Gypsies" as a free and untroubled people, the Roma population everywhere in fact endures systematic, gross deprivation of their human, social and civil rights. During its thirtieth session, in 1977, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities acknowledged that "gypsies remained the worst treated minority in various European countries", and that few people in the world were aware that at least one quarter of a million and probably half a million gypsies were murdered by the Nazis during the Second World War.

3. In its resolution 6 (XXX), the Sub-Commission had appealed "to those countries which have gypsies (Roma) within their borders to accord to these people, if they have not yet done so, all the rights that are enjoyed by the rest of the population".

4. Since 1977 some progress has been made in the implementation of basic freedoms and cultural rights of Roma and Sinti, particularly in the member States of the Council of Europe and in Yugoslavia. The political changes which occurred over the last two years in Eastern Europe have brought for Roma communities both positive and negative developments. While Roma can now form their own organizations, political parties and cultural associations, and have promoted their own representatives in the newly elected parliaments of Romania, Hungary and Czechoslovakia, the Roma are also confronted with a new wave of repression and discrimination, in a context of increasing hostility and racial hatred. Public defamation and racially motivated attacks continue to prevent free access to basic human rights.

Violence against the physical and moral integrity of Roma persons and communities

5. As we reported to the Sub-Commission in August 1990, examples include attacks on Roma by "skinheads" in about 20 villages and cities of Czechoslovakia, serious injuries of Roma youngsters during ethnic conflicts in Pristina, Kosovo, continuing programmes of sterilization of Roma women in Czechoslovakia and violent incidents in Romania and Hungary.

6. The Special Rapporteur, Mr. Joseph Voyame, in his report on the situation of the human rights in Romania (E/CN.4/1991/30), reported a variety of violations of rights of Roma persons and collectivities: acts of physical violence, defamation in mass media and incitement to racial hatred, abusive arrests and discrimination in administration of justice, looting, destruction and burning of houses belonging to families of Roma. A series of incidents in which members of Roma communities were attacked culminated in a pogrom on 9 October 1990 at the rural commune, M. Kogalniceanu, district of Constanta,

where 35 houses inhabited by Roma were wrecked and burned, leaving about 200 people homeless. Three similar incidents occurred at short intervals in the same district of Constanta, during July-December 1991. In Hungary, according to information provided by the Hungary-based human rights association Raoul Wallenberg and by the Roma association Phralipe, during August-October 1990, several attacks of police and local people against Roma took place in various towns, some of them leading to the death of a young Roma man. On 14 September, in Eger, a town in northern Hungary, a group consisting of 150 to 200 youngsters, shouting anti-gypsy slogans and armed with chains and clubs, attacked the gypsy families living in a new housing estate. Three weeks later a similar attack took place against the Roma in Miskolc, which is the second largest city of Hungary.

7. In these violent incidents directed against the Roma's rights to life and physical integrity, the local authorities and the police did not fulfil their duty in defending the Roma citizens' rights to life and physical integrity and the security of their homes and property. As a result of protests by Roma associations, some local policemen were dismissed in the districts of Constanta, Romania and Eger, Hungary. But legal proceedings were also taken against some of the Roma people who had been attacked. The parliaments of Hungary and of Romania and the Government of Romania were informed about the pogroms against their Roma citizens, but they have not yet made any statement condemning such abuses, or dissociating public authorities from violations of national laws and of Roma civil and human rights. The tolerance for such violations of existing laws could contribute to the wide-scale spread of terror, which could put in danger the new democracies of the Eastern European countries.

8. Violence directed against the Roma's physical integrity and their homes has occurred in some Western European countries as well. The intervention of the authorities in Spain barely stopped incipient pogroms in the towns of Pegalajr and Torredonjimeno in Andalucia, in the south of Spain (1987). In October 1988, in Cologne, Germany, the City Council announced plans to relocate Roma settlers to a containment centre on the site of an earlier Nazi deportation and forced labour camp. The area is a toxic waste dump, is surrounded by barbed wire, and was to have guards and attack dogs patrolling.

Limitations of the right to free movement

9. While houses and quarters of the sedentary Roma are attacked or removed, the travelling Roma families in some Western European countries, by contrast, encounter legal and administrative regulations which prohibit their right to free movement within the boundaries of the countries in which they dwell. Many of them are forced to keep on the move because of the reluctance or overt opposition of official authorities to allow them the right of legal residence in the countries or communities where they were de facto residents for a significant period of time. Some initiative was taken, as result of pressure from Romani activists, by the European Community and the Council of Europe to protect the right of Roma to free movement within their country of origin, although today they are observed to differing degrees by the various national and/or regional authorities.

10. In some States of the United States of America, (Pennsylvania, Illinois and New Jersey) Roma, identified as gypsies, remain the only American ethnic minority against whom laws still operate, and who are specifically named in those laws in relation to the rights of settling or doing business (report from the American chapter of Romani International Union).

11. A recent phenomenon relating to the freedom of movement of Roma is the mass exodus of Roma from some Eastern European countries to Western European countries, especially Germany, Austria and France. We inform the Commission on the tensions which continue to accumulate in relation to the programmes announced by the German authorities to expel Roma persons and families who sought refuge in Germany but did not meet the criteria on which basis the right to residence in Germany is granted.

12. Back in Yugoslavia, the country of origin of those expelled from Germany, Roma were exposed to various forms of harassment and limitation of their right to freedom of travel. According to information provided by the German Gesellschaft für Bedrohte Volker (Society for the Endangered Peoples) and by the Romani Union in Belgrade, the passports of numerous Roma persons are abusively confiscated by the police as part of a campaign to prevent an influx of potential political asylum-seekers.

13. Thus, because of their visibility as a racially and ethnically distinct people, and because of the century-old tradition of racism and anti-gypsyism, Roma today are caught in a political game beyond their control, victims of the consequences of the post-Cold War era.

Low standards of Roma economic, social and cultural rights

14. Roma population and communities raise numerous problems in the area of the economic, social and cultural rights. In most countries, the standard of living of Roma families and communities differs drastically from the rest of the population and is well below the minimal economic, employment, housing and schooling norms of those countries. The rate of illiteracy is mounting up to 80 per cent in the Roma communities, in Macedonia, Yugoslavia; among the Romanian-speaking Roma in Hungary; or the formerly nomadic Roma in Romania. Roma children in the United States of America are not attending school at all. By current economic and sociological criteria, Roma communities present the typical symptoms of an underdeveloped people living in countries with high and medium levels of economic and social development.

Discrimination against the rights of the Roma children

15. In addition to illiteracy, the rights of children in impoverished Roma families and communities are exposed to a number of adverse conditions. Reports indicate a high percentage of children of Roma origin in Romanian orphanages and in institutions for "mentally retarded" children in Czechoslovakia.

16. Until recently, the association Pro Juventute had operated in Switzerland which for six decades worked for the uprooting of Roma and Yenisch children from their families, who were considered to be a "dangerous" social environment. The London-based Anti-Slavery Society and the international

media have documented a flourishing and long-tolerated trade of Roma babies and children from Macedonia and southern Serbia, Yugoslavia, who are trained and then exploited in a widespread network of organized crime in Italy and other Western countries. 1/

Prejudice and racism against Roma persons and people

17. The attempts of the governmental agencies of different countries to improve the social status of Roma communities, as well as the efforts for social promotion of Romas themselves, are hindered by a long tradition of racist and anti-gypsy mentalities and practice. Mr. Voyame's observations in Romania are also valid for other countries where Roma live. He stated that "one has the feeling that this gypsy community is very marginalized ... the population distrust this community, accuses it of idleness and even criminal tendencies, and scorns it" (E/CN.4/1991/30, para. 157).

18. The racial persecution of Roma during the Second World War left not only memories among the survivors and their descendants, but also have taught a racist mentality and language which are still in use today, sometimes even among governmental circles. The recent cases of violence, discrimination and publicly expressed prejudice against Roma communities and against Roma people as a whole, have raised concerns that Roma and Sinti could become targets of attacks if the ethnic tensions and instability, especially in Eastern European countries, continue to grow. 2/

The relation between the civil and human rights of Roma persons and the rights of the Roma people as a minority at the national and transnational level

19. Roma communities present the case in which the enjoyment of individual human rights and basic freedoms depends on the granting of collective or group rights, in order to redefine stereotypes and to fight prejudice, group discrimination and social marginalization. This gives rise, as Mr. Voyame stated, to "an important minority problem" (para. 157) to which authorities in countries where Roma are living must devote their attention.

20. In order to address efficiently this important minority problem, the efforts at the level of a single country are not enough. Roma and Sinti people present the case of a people with historical and linguistic ties with India, living in a worldwide diaspora, having an enduring common culture and maintaining emotional ties across the borders of many countries. All over the world they are confronted with resistant and recurrent patterns of prejudice and discrimination and are exposed to similar and acute problems of social marginalization.

21. Although Roma persons are citizens of the particular States in which they live, the protection and the promotion of their human rights and minority rights cannot be fully achieved by isolated actions at the level of a single State. To address and to solve in a true humanitarian spirit the human rights of such a people we need a genuine transnational cooperation among more States, as well as a stronger and effective assistance provided by the international organizations, including United Nations.

Proposal for a resolution of the Commission on Human Rights concerning the situation of the Roma people

22. In order to facilitate such cooperation and to achieve a better understanding of the peculiar problem of human rights of the Roma communities, we ask the Commission on Human Rights to consider the following proposals:

1. To encourage the Special Rapporteurs of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention to the specific conditions of Roma communities in their ongoing work;

2. To urge the Governments of those countries which have Roma (gypsies) within their borders to continue to take all appropriate measures to protect and promote their human rights and fundamental freedoms;

3. To assist the Governments of those countries which have Roma within their borders with advisory services and technical assistance in the field of human rights addressed to the specific protection and promotion of the human rights and fundamental freedoms of Roma. We think that the United Nations Centre for Human Rights can design a special project addressed to the Roma and Sinti communities and offered for the use of the interested countries. We also suggest that a special seminar and workshop could be organized by the Centre on Human Rights;

4. And to recommend that interested governmental and non-governmental organizations consider ways and means in which the associations and the communities of Roma themselves could contribute to and responsibly participate in the protection and promotion of their human rights and fundamental freedoms.

Notes

1/ For an overview of the problems of Romani children, see Hancock, Ian "The Plight of Romani Children" in Action for Children, The NGO Committee on UNICEF, vol. II, 1987.

2/ An assessment of the situation of Roma in the context of the increasing nationalism and ethnic tensions in Eastern Europe is provided by Sonja Licht in her report on Roma in Yugoslavia, sponsored by the International Helsinki Federation.